

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOUIS BRANCH,

No. C 11-01977 SBA (PR)

Plaintiff,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

v.

WARDEN AYERS, et al.,

Defendants.

On April 22, 2011, Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. He has paid the full filing fee. To date, he has not served any of the named Defendants. Pursuant to Federal Rule of Civil Procedure 4(m), if a complaint is not served within 120 days from the filing of the complaint, it may be dismissed without prejudice for failure of service.

On September 16, 2011, the Court issued an "Order to Show Cause Why Claims Against Unserved Defendants Should Not Be Dismissed." The Court directed Plaintiff, who, as mentioned above, paid the filing fee in this matter, to either provide the Court with proof of service of the summons and complaint upon the named Defendants against whom he alleges his claims, or otherwise show cause why the complaint should not be dismissed without prejudice as to each unserved Defendant pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. (Sept. 16, 2011 Order at 1-2.)


Plaintiff has sought and received two extensions of time in which to respond to the Court's September 16, 2011 Order. In an Order dated November 15, 2011, the Court granted Plaintiff's first request for an extension of time. In an Order dated January 23, 2012, the Court granted Plaintiff's second request for an extension of time. The Court's January 23, 2012 Order extended the time for compliance to March 16, 2012, and instructed Plaintiff that his failure to comply with the new deadline would result in the dismissal of all claims against any unserved named Defendants. (Jan. 23, 2012 Order at 1.)

1 The March 16, 2012 deadline has passed, and Plaintiff has neither provided the Court with
2 proof of service of the summons and complaint upon the named Defendants, or otherwise shown
3 cause why the complaint should not be dismissed without prejudice for failure of service.
4 Accordingly, all claims against all unserved named Defendants are DISMISSED without prejudice
5 under Rule 4(m). As no Defendants remain in this case, Plaintiff's entire action is also hereby
6 DISMISSED without prejudice.

7 The Court has rendered its final decision on this matter, therefore, this Order TERMINATES
8 Plaintiff's case.

9 IT IS SO ORDERED.

10 DATED: 3/29/12

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12 SAUNDRA BROWN ARMSTRONG
13 United States District Judge
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United States District Court
For the Northern District of California

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
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6 LOUIS BRANCH,

Case Number: CV11-01977 SBA

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 AYERS et al,

10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on March 30, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Louis Branch B-17786
19 California State Prison - Solano
P.O. Box 4000
Vacaville, CA 95696-4000

20 Dated: March 30, 2012

21 Richard W. Wieking, Clerk
By: Lisa Clark, Deputy Clerk
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